

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and
NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, P.A.,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.,

Defendant.

Civil Action No. 04-11109-RGS

**JOINT MOTION TO EXTEND THE DEADLINE FOR COMPLETING A REPORT
REGARDING FINAL AGREEMENT IN THIS CASE BY THIRTY DAYS**

Defendant Virginia Surety Company, Inc. (“VSC”) and Plaintiffs Lexington Insurance Company (“Lexington”) and National Union Fire Insurance Company of Pittsburgh, PA (“NUFIC”) (collectively, the “Parties”) respectfully request that the Court extend the deadline for completing a report regarding a final agreement in this case by thirty (30) days from February 15, 2008 to March 17, 2008. The Parties have been proceeding with settlement discussions in good faith. However, because of unavoidable delays in obtaining information regarding several of the underlying claims in this matter that were previously settled, discussions have yet to take place regarding issues involving these underlying claims. All parties join in this motion in order to permit the Parties to reach a settlement in this case, and to accommodate the schedules of the Parties and lawyers involved. Granting this request will not result in significant prejudice to any party.

WHEREFORE, the Parties jointly request that this Court extend the deadline for completing a report regarding a final agreement in this case to March 17, 2008.

LEXINGTON INSURANCE COMPANY
AND NATIONAL UNION FIRE
INSURANCE COMPANY OF
PITTSBURGH, P.A.,

By their attorneys,

/s/ Gerald S. Frim

Mark E. Cohen, Esq. (BBO# 089800)
Robert J. Maselek, Esq. (BBO# 564690)
Gerald S. Frim, Esq. (BBO# 656204)
The McCormack Firm, LLC
One International Place –7th Floor
Boston, MA 02110
(617) 951-2929
(617) 951-2672

Dated: February 13, 2008

VIRGINIA SURETY COMPANY, INC.,

By its attorneys,

/s/ Hemanth C. Gundavaram

Joseph G. Blute, Esq. (BBO# 047300)
Nicholas C. Cramb, Esq. (BBO# 654368)
Hemanth C. Gundavaram, Esq. (BBO# 661282)
MINTZ LEVIN COHN FERRIS
GLOVSKY & POPEO, P.C.
One Financial Center
Boston, MA 02111
(617) 542-6000
(617) 542-2241 (fax)

Dated: February 13, 2008

Certificate of Service

I, Hemanth C. Gundavaram, Esq. hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non registered participants on February 13, 2008.

/s/ Hemanth C. Gundavaram

Dated: February 13, 2008